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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/532,251

Filing Date April 21, 2005

First Named Inventor Weis et al.

Art Unit Not Yet Known

Examiner Name Not Yet Known

Attorney Docket Number SMB-PT138 (PC 03 377 B US)

**ENCLOSURES (Check all that apply)**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form                             | <input type="checkbox"/> Drawing(s)                                       | <input type="checkbox"/> After Allowance Communication to TC   |
| <input type="checkbox"/> Fee Attached                                     | <input type="checkbox"/> Licensing-related Papers                         | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  |
| <input type="checkbox"/> Amendment/Reply                                  | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  |
| <input type="checkbox"/> After Final                                      | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declaration(s)                        | <input type="checkbox"/> Power of Attorney, Revocation                    | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request                        | <input type="checkbox"/> Change of Correspondence Address                 | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  |
| <input type="checkbox"/> Express Abandonment Request                      | <input type="checkbox"/> Terminal Disclaimer                              | Transmittal of Translation of the Preliminary Examination Report and English Translation of the International Preliminary Examination Report |
| <input type="checkbox"/> Information Disclosure Statement                 | <input type="checkbox"/> Request for Refund                               |  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)           | <input type="checkbox"/> CD, Number of CD(s) _____                        |  |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application    | <input type="checkbox"/> Landscape Table on CD                            |  |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 |   |  |

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name VOLPE AND KOENIG, P.C.

Signature

Printed name Randolph J. Huis

Date

7/12/2005

Reg. No.

34,626

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name Randolph J. Huis

Date

7/12/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the **PATENT APPLICATION** of:

Weis et al.

**Application No.:** 10/532,251

**Filed:** April 21, 2005

**For:** TURNING TOOL FOR TURNING A  
PLUMBING FITTING

**Group:** Not Yet Known

**Examiner:** Not Yet Known

**Our File:** SMB-PT138  
(PC 03 377 B US)

**Date:** July 12, 2005

**TRANSMITTAL OF TRANSLATION OF THE  
INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Further to Applicant's Duty of Disclosure pursuant to 37 C.F.R. §1.56, enclosed is the translation of the International Preliminary Examination Report from the corresponding International Application. All of the noted references or their English language equivalents were previously submitted in an Information Disclosure Statement.

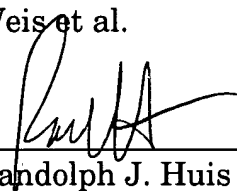
**Applicant:** Weis et al.  
**Application No.:** 10/532,251

Prompt examination of the Application is respectfully requested.

Respectfully submitted,

Weis et al.

By



\_\_\_\_\_  
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Registration No. 34,626  
(215) 568-6400

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RJH/dmm  
Enclosure

Translation

PATENT COOPERATION TREATY

PCT/EP2003/009387



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PC 03 377 B	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2003/009387	International filing date (day/month/year) 25 August 2003 (25.08.2003)	Priority date (day/month/year) 22 October 2002 (22.10.2002)
International Patent Classification (IPC) or national classification and IPC E03C 1/086		
Applicant DIETER WILDFANG GMBH		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet. *German, 5 → translated: 4!*

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 6 sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) \_\_\_\_\_, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 13 December 2003 (13.12.2003)	Date of completion of this report 18 March 2005 (18.03.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2003/009387

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ The international application as originally filed/furnished
- ☒ the description:
- pages \_\_\_\_\_ 3-7 \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_ 1, 2, 2a \_\_\_\_\_ received by this Authority on 14 December 2004 (14.12.2004)
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- pages \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_, as amended (together with any statement) under Article 19
- pages\* \_\_\_\_\_ 1-9 \_\_\_\_\_ received by this Authority on 14 December 2004 (14.12.2004)
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- pages \_\_\_\_\_ 1/1 \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	6-9	YES
	Claims	1-5	NO
Inventive step (IS)	Claims		YES
	Claims	1-9	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

## 2. Citations and explanations

Reference is made to the following documents:

D1: DE-U-295 10 618

D2: US-A-2002/0129442.

## 1 INDEPENDENT CLAIM 1

## 1.1 Document D1 discloses (the reference signs and references relate to document D1):

a turning tool 16 for detaching and fastening a jet regulator or similar sanitary fitted part 17 which by means of a screwed connection is removably held (see page 7, lines 17-20) on the opening side of a sanitary water outlet fitting (see page 7, line 20), wherein the turning tool 16 can be attached to the sanitary fitted part in a non-rotating manner (see page 7, line 8 ff.) and the turning tool 16 is in the form of a sanitary fitted part (in this case a jet regulator 3) or a component of a sanitary fitted part, and wherein the turning tool 16 can be attached to the outside circumference of the fitted part 17 connected to the water outlet fitting such that it cannot rotate.

- 1.2 The jet regulator 16 in document D1 is not explicitly described as a turning tool. However, it can be used as a turning tool without any structural modifications and is able to detach the fitted part 8 from the water outlet and attach it thereto (see PCT Examination Guidelines, paragraph 5.23). Consequently, all the features of claim 1 are described in document D1 and the subject matter of claim 1 is not novel (PCT Article 33(2)).

2. DEPENDENT CLAIMS

- 2.1 Dependent claims 2-9 contain no features which, combined with the features of any claim to which they refer, meet the PCT requirements for novelty (PCT Article 33(2)) and inventive step (PCT Article 33(3)) (see documents D1 and D2 and the relevant passages cited in the search report).

- 3 The subject matter of claims 1-9 is considered industrially applicable (PCT Article 33(4)).